

BOARD OF SELECTMEN

Minutes of the Meeting of 21 July 2010. The meeting took place in the Court Room, Town and County Building, 16 Broad Street, Nantucket, MA 02554. Members of the Board present were Rick Atherton, Brian Chadwick, Michael Kopko, Patricia Roggeveen, and Whiting Willauer. Chairman Roggeveen called the meeting to order at 6:07 PM following a meeting of the County Commission.

I. ANNOUNCEMENTS

1. There is no Board of Selectmen meeting on Wednesday, 28 July 2010 due to the summer meeting schedule.
2. School Committee Chair Jenny Garneau introduced new School Superintendent Michael Cozort, who started work on 1 July 2010. Ms. Gibson said she is looking forward to working with Mr. Cozort and she wished outgoing superintendent Dr. Robert Pellicone well.
3. Health Director Richard Ray announced that Miacomet Pond is now open after being closed for one week due to high bacteria levels, which are now within acceptable levels.

II. PUBLIC COMMENT

1. Michael Pierson asked that the charge of the Taxi Advisory Committee (TAC) be expanded to include tour vehicles. Ms. Gibson noted that the TAC is an administrative group appointed by the Town Manager and all requests need to be put in writing to her attention.
2. Carol Dunton requested that NRTA service be expanded to include Tom Nevers Road to the Navy Base.

III. APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

1. Approval of Minutes of 19 August 2009 at 6:00 PM; 7 July 2010 at 6:00 PM; 8 July 2010 at 9:00 AM. The minutes of 19 August 2009 at 6:00 PM, 7 July 2010 at 6:00 PM, and 8 July 2010 at 9:00 AM were approved by the unanimous consent of the meeting.
2. Approval of Payroll Warrants for Weeks Ending 11 July 2010; 18 July 2010. The payroll warrants for weeks ending 11 July 2010 and 18 July 2010 were approved by the unanimous consent of the meeting.
3. Approval of Treasury Warrants for 14 July 2010; 21 July 2010 and Pending Contracts for 21 July 2010. Ms. Gibson reviewed the various pending contracts. Department of Public Works Director Jeff Willett reviewed the Children's Beach stormwater pumping station peer review contract. Our Island Home Director Pamela Meriam reviewed the therapy services contracts. The treasury warrants for 14 July 2010 and 21 July 2010 and pending contracts for the week ending 21 July 2010 were approved by the unanimous consent of the meeting.

IV. CITIZEN/DEPARTMENTAL REQUESTS

1. Town Clerk: Request for Adoption of Warrant for State Primary Election on 14 September 2010. Mr. Chadwick moved adoption of the state primary election warrant as presented by the Town Clerk; Mr. Atherton seconded. All in favor, so voted.

2. 2010 – 2011 Annual Committee Appointments (Continued from 16 June 2010; 7 July 2010).

Chairman Roggeveen reviewed the list of committee openings and asked any applicants to speak on their applications if they wished. Jordana Fleischut, Michael Fleischut, and Paul Nicholson spoke in favor of their applications to the Cultural Council, Energy Study Committee, and Finance Committee respectively, and answered questions from the Board. Chairman Roggeveen then proceeded with the following appointments:

Agricultural Commission – two seats available and one applicant. Mr. Kopko moved to appoint Morgan Beryl; Mr. Atherton seconded. All in favor, so voted.

Beach Management Advisory Committee – one seat available and one applicant. Mr. Kopko moved to appoint Maureen Beck; Mr. Atherton seconded. All in favor, so voted.

Capital Program Committee – following a discussion among the Board regarding the future of the Capital Program Committee, Mr. Willauer moved to make the appointments tonight; the motion died for lack of a second. Mr. Atherton moved to postpone appointments to the Capital Program Committee in order to discuss the future of the committee with its chair and the Town Manager, and to have a decision on the matter no later than 10 September 2010; Mr. Kopko seconded. So voted 4-1. Mr. Willauer was opposed.

Cemetery Commission Work Group – one seat available and one applicant. Mr. Kopko moved to appoint Carol Marks; Mr. Willauer seconded. All in favor, so voted.

Cultural Council – two seats available and three applicants. By paper ballot, Linda Sonnonstine Sperry was appointed to a one-year term, said term to expire June 30, 2011; Jordana Fleischut was appointed to a three-year term, said term to expire June 30, 2013. Ms. Sperry received votes from all five Board members. Ms. Fleischut received votes from Mr. Kopko, Mr. Atherton, Mr. Chadwick, and Chairman Roggeveen.

Energy Study Committee – Mr. Willauer moved to defer appointments until the committee decides what kind of expertise is needed; Mr. Atherton seconded. All in favor, so voted.

Finance Committee – Mr. Willauer discussed conflict of interest issues regarding the Finance Committee. A discussion among Board members followed on best practices. Mr. Chadwick suggested deferring appointments until the issues are cleared up. Mr. Kopko said the Board should take time to develop a policy regarding conflict of interest issues. Mr. Willauer moved to defer appointments for a “couple of weeks”; Mr. Chadwick seconded. All in favor, so voted.

Town Government Study Committee – seven seats and four applicants. It was the Board consensus to hold off on appointments until more applications are received.

3. Planning Office: Request for Execution of Subordination Agreement Regarding Department of Housing and Community Development (DHCD) Community Development Block Grant (CDBG) Homeowner Renovation Grant. Susan Bennett Witte reviewed the request, noting a homeowner received a mortgage through the Town in 2005 and is now in the process of refinancing, which requires a subordination agreement to be executed with the Town. Mr. Chadwick moved to execute the subordination agreement; Mr. Willauer seconded. All in favor, so voted.

4. Cemetery Commission Work Group: Request for Approval of Dedication Ceremony of Quaise Asylum Burial Ground on 24 July 2010 at 10:00 AM. Cemetery Commission Work Group member Allen Reinhard reviewed the request, noting that the cemetery is actually situated on Nantucket Conservation Foundation property and that the Foundation will be maintaining the cemetery, and he thanked Maurice Gibbs for informing the Work Group of the cemetery's existence. Chairman Roggeveen also thanked Fran Karttunen for providing the history of the Quaise Asylum. Mr.

Chadwick moved to approve the dedication ceremony; Mr. Willauer seconded. All in favor, so voted.

5. Interested Residents: Request for Acceptance of Gifts in Connection with Madaket Monument.

Ms. Karttunen spoke on the request for the acceptance of gifts for a Madaket monument, noting that the Nantucket Conservation Foundation has donated a boulder for the monument; Mort and Reva Schlesinger have designed the inscription for the monument; and the monument will be placed on Nantucket Islands Land Bank property in Madaket. She explained that the donations are for the inscription on the stone. Mr. Reinhard added that the location of the monument is where the Macy family arrived in the fall of 1659. Mr. Kopko moved to accept the gifts in connection with the Madaket monument; Mr. Atherton seconded. All in favor, so voted.

6. Community Foundation of Nantucket: Request for Approval of Human Services Proposal.

Ms. Gibson explained that Assistant Town Manager Gregg Tivnan and she recently met with Margaretta Andrews, executive director of the Community Foundation for Nantucket (CFNan) to discuss a proposed municipal human services study, as well as funding an update to the 2006 community needs survey and fund a consultant to review and make recommendations on the overall community's human services delivery system. Ms. Andrews said CFNan sees this as an opportunity to coordinate all efforts regarding human services, noting it will be an objective independent study. She then reviewed the proposed committee structure which would select and work with the consultant. A discussion followed on the proposal and Ms. Andrews answered questions from the Board. Phil Stambaugh, president of CFNan, said the process is "bigger than the Town" and encompasses not just the Town portion, but human services island-wide and that CFNan is looking at the "big picture" and the proposal could bring more people and resources to human services. Jenny Garneau said CFNan's proposal is not unique, that the United Way does this service in many communities nationwide, and that the proposed study is a way to identify service gaps and redundancies. Mr. Chadwick said he could support the proposal if the makeup of the committee does not include representatives from the Town, and that it is run and managed solely by CFNan. Mr. Kopko and Mr. Atherton were in agreement with Mr. Chadwick. Mr. Kopko moved that the Town not participate in the proposed CFNan committee but to support the Town's participation and cooperation with the study and consider action on recommendations which may come out of the study; Mr. Chadwick seconded. So voted 4-1. Mr. Willauer was opposed. Council for Human Services member Augie Ramos spoke against the CFNan proposal. A discussion among Board members followed on Mr. Ramos's comments and the CFNan proposal vs. the recent charge to the Council for Human Services. Chairman Roggeveen asked CFNan to come back to the Board as a future agenda item to speak with the consultant about the scope of work for Board comment.

7. Nantucket Planning & Economic Development Commission: FY 2011 – 2014 Transportation Improvement Program (TIP) Presentation and Request for Board of Selectmen Endorsement.

Transportation Planner Mike Burns reviewed the projects listed in the TIP. Mr. Burns asked the Board to recommend that the Nantucket Planning and Economic Development Commission approve the 2001-2014 TIP. He then answered questions from the Board on the presentation. Mr. Kopko moved to recommend that the Nantucket Planning and Economic Development Commission approve the 2001-2014 TIP; Mr. Atherton seconded. All in favor, so voted.

At 7:58 PM Mr. Kopko left the meeting.

8. Request for Acceptance of Quitclaim Deed for Lot 5 on Land Court Plan 35787-B, Washington Street, Nantucket, MA in Order to Complete the Record for Town Ownership of Town Parking Lot. Mr. Burns explained that this is a "housekeeping" matter. Mr. Chadwick moved to accept the quitclaim deed for Lot 5 on Washington Street as presented (attached); Mr. Atherton seconded. So voted 4-0.

9. Request for Declaration of Surplus Property: Portions of Clifford and Harriet (fka Prospect) Streets Pursuant to Affirmative Vote on Article 1 of 2003 Special Town Meeting. Mr. Chadwick moved to approve the declaration of surplus property as presented; Mr. Atherton seconded. So voted 4-0.

V. PUBLIC HEARINGS

1. Public Hearing to Consider Petition for National Grid Plan #8185988 to Install and Maintain Conduit, Wires and Ducts Along the Public Way from P. 21 North Liberty Street to a Pull Box on Giny Lane, Nantucket, MA. Chairman Roggeveen opened the public hearing. Steve Brennan of National Grid reviewed the request, noting that they will be tunneling under North Liberty Street rather than excavating. Chairman Roggeveen closed the public hearing. Mr. Chadwick moved to approve the National Grid plan # 8185988; Mr. Atherton seconded. So voted 4-0.

2. Public Hearing to Consider Petition for National Grid Plan # 7416626 Install a New Riser on Pole #58-1 and Two (2) 2" Conduits, Each 143 feet in Length, on Old South Road Near the Intersection of Arrowhead Drive, Nantucket, MA. Chairman Roggeveen opened the public hearing. Steve Brennan of National Grid reviewed the request.

At 8:01 PM Mr. Kopko returned to the meeting.

Chairman Roggeveen closed the public hearing. Mr. Chadwick moved to approve the National Grid plan # 7416626; Mr. Atherton seconded. All in favor, so voted.

3. Public Hearing to Determine Annual License Fee for License Category "Junk, Old Metals and Second Hand Articles" as Described in Code of Town of Nantucket Chapter 88 and MGL Chapter 140, Sections 54 -55 and 202 -205. Chairman Roggeveen opened the public hearing. Ms. Gibson explained that the Town has never established a license fee or granted a license for "Junk, Old Metals and Second Hand Articles" and recommended a \$20 fee if approved. Chairman Roggeveen closed the public hearing. Mr. Kopko questioned whether the Board should establish the license at all, asking is this a "solution in search of a problem", and asked Town Counsel what would happen if the license is not established. Town Counsel Paul DeRensis explained that the license has already been established through Town Meeting. Mr. Kopko moved to take no action; Mr. Chadwick seconded. All in favor, so voted.

4. Public Hearing to Consider Application for Junk, Old Metals and Second Hand Articles License for David G. Walker d/b/a S. J. Patten, 35 Main Street, Nantucket, MA 02554. The matter was not considered due to the vote of V. 3. (above).

5. Public Hearing to Consider Application for Public Assembly Permit for New Life Ministries International for Break-Out 2010 to be Held Sunday, 1 August 2010 on Church Property Located at

42 Monohansett Road, Nantucket, MA 02554. Chairman Roggeveen opened the public hearing. Reverend Kerr of New Life Ministries spoke in favor of the request, noting the event used to take place at St. Paul's Church, but will be located at the New Life Ministries property this year. Chairman Roggeveen closed the public hearing. Mr. Kopko moved to approve the public assembly permit for Break-Out 2010; Mr. Atherton seconded. All in favor, so voted.

VI. TOWN MANAGER'S REPORT

1. Request for Board of Selectmen Vote to Transition Public Meetings to Public Safety Facility (when complete). Ms. Gibson reviewed a list of reasons why Town Administration recommends relocating the weekly Board of Selectmen meetings due to the inadequacy of the current meeting space in the court room. She reviewed the advantages of the meeting space at the new police station, noting one "selling point" of the new police station was that it contained public meeting space. Mr. Chadwick spoke against the Board moving its meetings to 4 Fairgrounds Road. Mr. Kopko said he agreed with Mr. Chadwick, adding that he does agree with moving other boards and committees to 4 Fairgrounds Road. Mr. Willauer asked if it will be mandatory or voluntary for the other boards and committees to move to 4 Fairgrounds Road. Ms. Gibson answered that if it is up to her it will be mandatory. A discussion followed among Board members on the pros and cons of moving the Board meetings out of Town. Chairman Roggeveen asked the Board to consider moving its public hearing nights to 4 Fairgrounds Road at the very least. Erika Mooney, speaking as a private citizen, spoke in favor of moving the meetings to 4 Fairgrounds Road. Further discussion among Board members followed regarding meetings as well as Town offices staying downtown. Mr. Atherton moved that once the construction of the new police station is complete the Board hold at least four meetings there. Mr. Chadwick asked that Mr. Atherton's motion be amended that any move to 4 Fairgrounds Road only occur between June 15 and September 15; Mr. Kopko seconded the motion with Mr. Chadwick's amendment. Mr. Atherton said he is not in favor of the amendment to his motion. On the amendment, so voted 2-3. Mr. Willauer, Chairman Roggeveen, and Mr. Atherton were opposed. On Mr. Atherton's original motion, so voted 3-2. Mr. Kopko and Mr. Chadwick were opposed. It was the Board consensus for all other boards, committees, and commissions to move their meetings to 4 Fairgrounds Road.

VII. SELECTMEN'S REPORTS/COMMENT

1. Review of Draft Operating Agreement Between the Town of Nantucket and Cable Television Access Provider in Connection with Public, Education, and Governmental Access Channel. Mr. Kopko commended the work completed on the operating agreement to date. Mr. Chadwick suggested adding language to the operating agreement as number ten under Recitals as follows: "the operator and its board shall comply with the state law specific to conflict of interest law". A discussion among Board members followed; Chairman Roggeveen asked that language be developed per Mr. Chadwick's suggestion. Jenn Erichsen reviewed Nantucket Cable Television's bylaws and answered questions from the Board. Further changes to the operating agreement were discussed as it was reviewed, and it was agreed that suggested changes should be submitted to the Assistant Town Manager who will track all the changes. Chairman Roggeveen asked that when it comes back before the Board it be a clean copy.

2. Review of Draft Ground Lease Agreements with Nantucket Human Services Center, Inc.: Human Services Center Project and Affordable Housing Project. Chairman Roggeveen said the Board has been asked to postpone this matter by the Nantucket Human Services Center, Inc. Mr. Atherton noted there are many concerns which make the lease negotiations difficult. Mr. Kopko

asked the Board to confirm, regarding the Town's lease template, that the Board's baseline is not subject to negotiation. Chairman Roggeveen agreed and added that she is "frustrated" by the proposed changes to the lease agreements, and she recommended that under no circumstances the housing component come before the human services center. A discussion followed among Board members. Mr. Kopko moved to instruct Town Counsel to convey to Nantucket Human Services Center, Inc. that the lease template is the baseline and not subject to change or negotiation; Mr. Chadwick seconded. All in favor, so voted.

3. Committee Reports. None.

VIII. ADJOURNMENT

The meeting was unanimously adjourned at 9:01 PM.

Approved the 1st day of September, 2010.

ACCEPTANCE BY THE TOWN OF NANTUCKET
OF QUITCLAIM DEED

Lot 5 on Land Court Plan 35787-B,
Washington Street, Nantucket, Massachusetts

We, the undersigned, being a majority of the now serving Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business of Town and County Building, 16 Broad Street, Nantucket, Massachusetts, acting by authority of Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, do hereby accept the property shown as Lot 5 on the plan filed with the Nantucket County Registry District of the Land Court as Plan No. 35787-B pursuant to the quitclaim deed on file with said Registry as Document No. 17777.


EXECUTED under seal as of this 21 day of July, 2010.

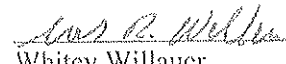
TOWN OF NANTUCKET,
BY ITS BOARD OF SELECTMEN


Patricia Roggeveen


Michael Kopko

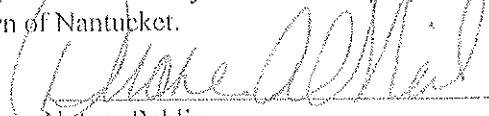

Brian Chadwick


Rick Atherton


Whitey Willauer

Commonwealth of Massachusetts
Nantucket County, ss

On this 21 day of ^{August} July, 2010, before me, the undersigned notary public, personally appeared Patricia Roggeveen, Michael Kopko, Brian Chadwick, Rick Atherton and Whitey Willauer, as members of the Board of Selectmen of the County of Nantucket, proved to me through satisfactory evidence of identification, which were ☐ photographic identification with signature issued by federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.


Notary Public

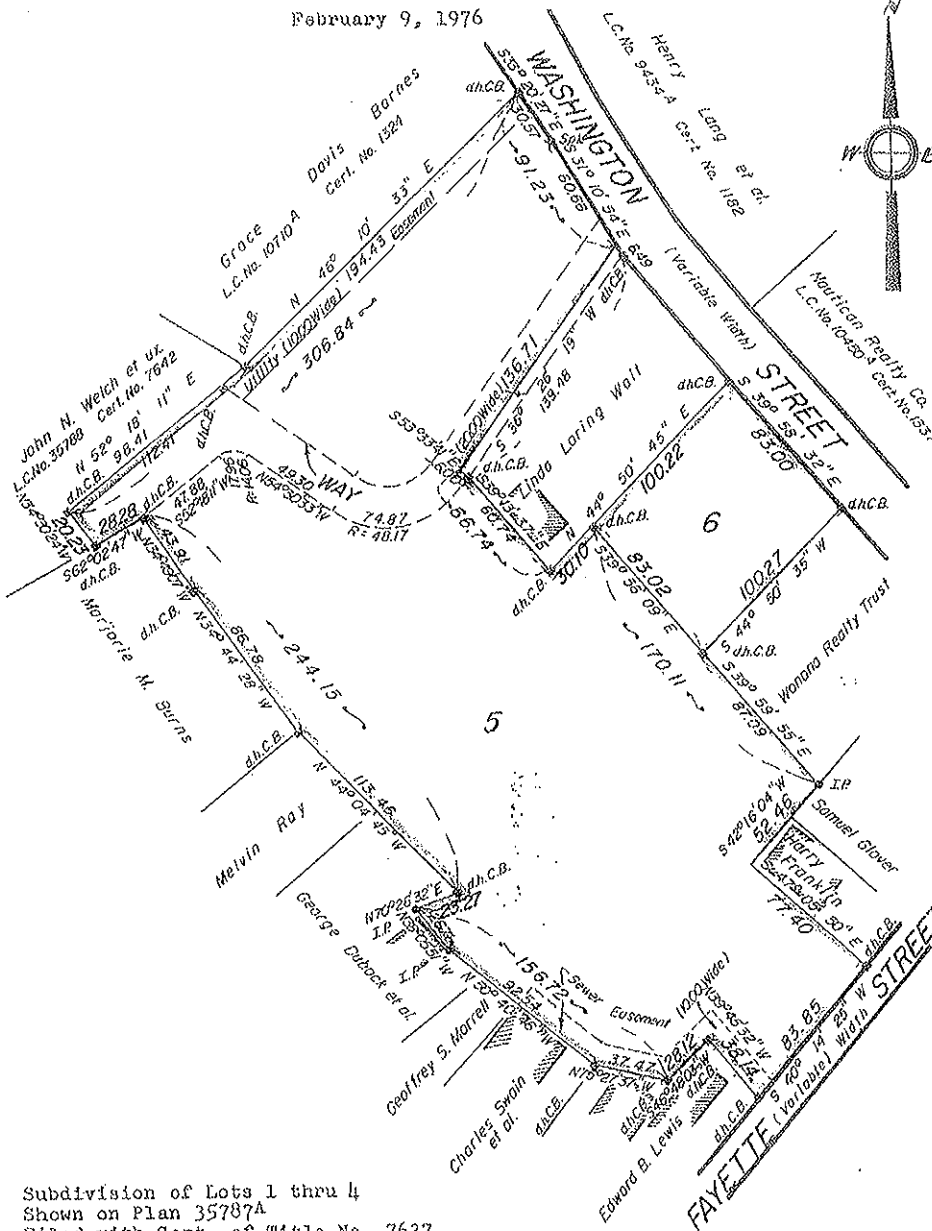
My commission expires: July 21, 2011

35787B

SUBDIVISION PLAN OF LAND IN NANTUCKET

Shugrue & Hart Inc., Surveyors

February 9, 1976



This plan filed with Certificate No. 7639

Subdivision of Lots 1 thru 4
Shown on Plan 35787A
Filed with Cert. of Title No. 7637
Registry District of Nantucket County

More survey data on file.

Separate certificates of title may be issued for land
shown hereon as Lots 2 & 3
By the Court.

Raymond M. Daly
Recorder.

MAY 5, 1976

645

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
MAY 5, 1976
Scale of this plan 60 feet to an inch
R.L. Woodbury, Engineer for Court

*BOARD OF SELECTMEN
21 JULY 2010 - 6:00 PM
COURT ROOM, TOWN & COUNTY BUILDING
16 BROAD STREET
NANTUCKET, MASSACHUSETTS*

List of documents used at the meeting:

- I. 4. Spreadsheet from Richard Ray, re: beach testing results
- III. 1. Draft minutes of 19 August 2009 at 6:00 PM; 7 July 2010 at 6:00 PM; 8 July 2010 at 9:00 AM
- III. 3. Pending contracts spreadsheet for July 21, 2010
- IV. 1. Warrant for 14 September 2010 State Primary
- IV. 2. List of remaining Annual Committee openings, applications for Agricultural Commission (Morgan Beryl), Beach Management Advisory Committee (Maureen Beck), Capital Program Committee (Carol Dunton; Robin LaPiene), Cemetery Commission Work Group (Carol Marks), Cultural Council (Jordana Fleischut; Linda Sperry; Colin Carr), Energy Study Committee (Michael Fleischut), Finance Committee (Carol Dunton; Paul Nicholson; Mike Glowacki; Doug Unruh) and Town Government Study Committee (Carol Dunton; John Brescher; Clifford Williams; Betsy Kidon), and memo from Town Counsel, re: appointments to the Finance Committee
- IV. 3. Memo from Susan Witte/Planning Office, re: Ronnie Roberts DHCD CDBG subordination agreement and draft copy of agreement; email from E. Mooney to Board of Selectmen, re: revised agreement
- IV. 4. Memo from Cemetery Commission Work Group, re: Quaise Asylum Burial Ground dedication and associated history b y Fran Karttunen
- IV. 5. Memo from Allen Reinhard on behalf of interested residents, re: Madaket Monument and associated narrative of the "1659 Madaket Encounter"
- IV. 6. Memo from Community Foundation for Nantucket, re: human services proposal
- IV. 7. Memo from Mike Burns/NP&EDC, re: FY 2011-2014 TIP and TIP Power Point
- IV. 8. Email from Town Counsel, re: Washington Street Parking Lot, associated 1976 deed, and acceptance of quitclaim deed document
- IV. 9. Declaration of Surplus Property for portions of Clifford and Harriet (fka Prospect) Street(s)
- V. 1. Cover letter from National Grid, re: petition # 8185988, petition and order for associated work, and maps
- V. 2. Cover letter from National Grid, re: petition # 7416626, petition and order for associated work, and map
- V. 3. Public hearing notice, re: "Junk, Old Metals and Second Hand Articles", copy of Chapter 88 of the Code of Nantucket, copy of MGL Chapter 140 sections 54-55 and 202-205
- V. 4. Cover letter from Kathryn Tucker, re: SJ Patten Junk, Old Metals and Second Hand Articles license application, application, copy of SJ Patten

newspaper ad, email from Libby Gibson/Anne McAndrew, re: background info on application

- V. 5. Public Assembly permit application for New Life Ministries, re: Break-out 2010 and copy of Chapter 107 sections 7-15 of the Code of Nantucket; email from Lt. MacVicar, re: public assembly permit application
- VI. 1. Memo from Town Manager, re: moving meetings to 4 Fairgrounds Road
- VII. 1. Draft Operating Agreement between the Town of Nantucket and cable television access provider, re: PEG access channel
- VII. 2. Memo from Town Counsel, re: Nantucket Human Services Center, Inc. ground lease proposals, draft ground lease agreement for Human Services Center project, draft ground lease agreement for affordable housing project, revised projected Nantucket Human Services Center, Inc. funding schedule dated July 2, 2010; email from Libby Gibson, re: lease issue